

The background of the slide features a faded illustration of a Minuteman soldier on the left, holding a rifle. On the right is a large, circular seal of the Department of the Army and the Air Force. The seal contains an eagle with spread wings and the text "DEPARTMENT OF THE ARMY AND THE AIR FORCE" around the top and "GUARD BUREAU" at the bottom.

# Ethics

## Module 4

*National Guard  
Technician Personnel Management  
Course*

# DEFINITIONS

- ***Ethics:*** a subset of morals that deals with the behavior of a given profession.
- ***Ethical:*** conforming to accepted professional standards of conduct.



# **ETHICAL CONDUCT**

***Principles*** - public service is a public trust, requiring:

- Loyalty of employees
- Honest effort in performing duties
- Impartiality



# **ETHICAL CONDUCT**

## ***Principles (continued)***

- Protection of Federal property
- Disclosures of waste, fraud and abuse, etc
- Adherence to EEO laws
- Satisfaction of financial obligations

# **ETHICAL CONDUCT**

## ***Basic Concepts - employees shall...***

- Apply principles to propriety of conduct
- Avoid appearance of violation of the law governing ethics (5 CFR Part 2635)
- Seek advice of agency “Ethics Official” (usually JAG) whenever in doubt.



# **ETHICAL ISSUES**

## ***~Gifts from...***

- Outside sources
- Between employees

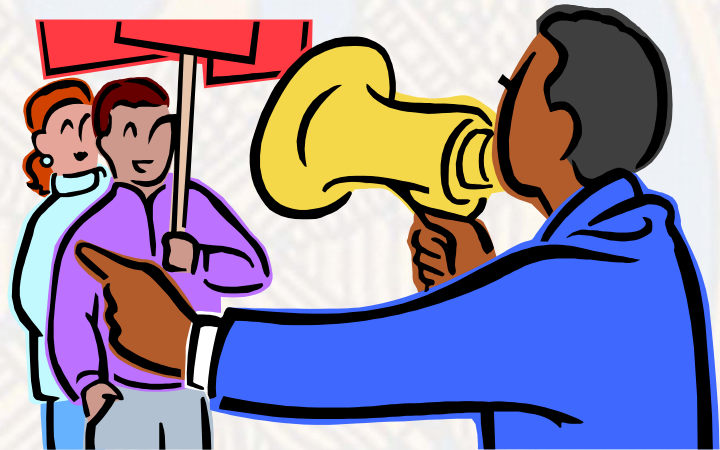


## ***~Conflicting financial interests***

## ***~Impartiality in performing official duties***

# ETHICAL ISSUES TO BE CONSIDERED

- Seeking other employment
- Misuse of position
- Outside activities
- Political/social activities



# **GIFTS FROM OUTSIDE SOURCES**

## ***Basic***

***prohibitions:*** an employee shall not solicit or accept a gift given because of his/her official position or from a prohibited source







# **EXCEPTIONS:** **GIFTS FROM OUTSIDE** **SOURCES**

- Unsolicited items less than \$20 per occasion / \$50 per CY from any one source
- Certain awards and honorary degrees
- Free attendance provided to an event the employee is participating in
- Travel/entertainment for employment purposes

# **GIFTS FROM OUTSIDE SOURCES**

***Limitations on use of exceptions:*** an employee may not use exceptions to solicit/coerce the offering of a gift or to accept gifts

***Disposition of gifts:*** various methods  
– market value payment; return; donation; destruction; or in some cases, sharing



# **GIFTS BETWEEN EMPLOYEES**

***Basic prohibition - an employee may not...***

- Give to or solicit a gift from a superior
- Accept a gift from a lower-paid employee, unless donor/recipient are not in a superior/subordinate relationship

***Definition of a gift:*** almost anything of monetary value



# **GIFTS BETWEEN** **EMPLOYEES EXCEPTIONS**

- Items (non-cash) less than \$10 per occasion
- Office shared food
- Personal hospitality at residence
- Leave sharing under OPM guidelines
- Infrequent occasion of personal significance or upon termination of superior/subordinate relationship

# **CONFLICTING FINANCIAL INTERESTS**

Employees financial interests are subject to criminal conflict of interest statute (18 U.S.C. 208) or agency supplement thereto.

Disqualifying interests affect finances of:

- ~self    ~general partner
- ~spouse    ~others served
- ~minor child



# OFFICIAL DUTIES

***Impartiality in performance:*** need specific authorization required if impartiality in question

***Matters covered:*** any involving interests of self, member of household, close personal or any business relationships

***Disqualification:*** applies (as under financial interests)



# **SEEKING OTHER EMPLOYMENT**

***Seeking other employment:*** any form of non-federal business relationship involving provision of personal services. This includes...

- Mutually conducted employment negotiations
- Sending an unsolicited resume or proposal
- Employment contact by or through others

# **MISUSE OF POSITION**

## ***Involves:***

- Use of public office for private gain
- Revelation of non-public information
- Unauthorized use of government property
- Performance of unofficial duties on official time



# **OUTSIDE ACTIVITIES**

## ***Restrictions imposed by other laws:***

- Acceptance of office/title/compensation from a foreign government
- Engaging in representational activities before the U.S. government
- Prohibition of employees' participation in certain partisan political activities



# **OUTSIDE ACTIVITIES**

- When serving as an expert witness: must not represent anyone other than the U.S. if the U.S. is a party to or has a direct interest in any court proceedings
- Fundraising: may engage in charitable efforts if in a personal capacity

# OUTSIDE ACTIVITIES

- Teaching, speaking and writing: an employee shall not receive compensation if related to his/her official duties.

*(there are exceptions for teaching courses that may be related to duties)*





# **NEPOTISM**

**(5 USC 3110/ 5 CFR210/TPR 310.1)**

A public official may not appoint, promote or advocate employment of a relative within his/her agency

*Who is a “public” official?* This category includes military or civilian personnel who have the authority to appoint, promote or recommend employment



# **HATCH ACT - POLITICAL ACTIVITY OF NATIONAL GUARD TECHNICIANS**

(5 usc 7324/5 CFR 733)

## ***Federal employees may...***

- Be candidates for public office in nonpartisan elections
- Contribute money to political organizations
- Attend political fundraising functions
- Attend/be active at political rallies/meetings
- Make campaign speeches for candidates in partisan elections
- Hold office in political clubs or parties



# **HATCH ACT - POLITICAL** **ACTIVITY OF NATIONAL GUARD** **TECHNICIANS**

(5 USC 7324/5 CFR 733)

## ***Federal employees may not...***

- Use official authority or influence to interfere with an election
- Solicit or discourage political activity of anyone with business before their agency
- Solicit or receive political contributions
- Be candidates for public office in partisan elections
- Engage in political activity while on duty



# Small Group



# Question

